UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS BROWNSVILLE DIVISION

BEATRIZ E. EBEL,	§	
Individually and as	§	
Personal Representative of the	§	
Estate of PHILIP WAYNE EBEL,	§	
Deceased, and as Next Friend of	§.	
ERIC FERNANDO EBEL and	§	CIVIL ACTION NO. 1:04-CV-194
GABRIELA NICOLE EBEL, Minors,	§	
Plaintiff,	§	
	§	•
VS.	§	
•	§	
ELI LILLY AND COMPANY,	§	
Defendant.	§	

JOINT MOTION TO EXTEND DEADLINES TO FILE AND RESPOND TO DAUBERT/DISPOSITIVE MOTIONS

Plaintiff Beatriz Ebel ("Plaintiff") and Defendant Eli Lilly and Company ("Lilly") jointly file this motion to extend the deadline to file and to respond to all motions, including *Daubert* motions to exclude, as well as dispositive motions (No. 6 under the current Scheduling Order) as follows:

Expert discovery is ongoing in this case. Plaintiff's experts have recently been deposed and, on September 11, 2007, Lilly designated its experts. The parties anticipate that completing the depositions of Lilly's experts in the next few weeks will be difficult because of scheduling conflicts, including a 2-week prior commitment by Plaintiff's counsel outside the country. Indeed, it is unlikely that expert depositions will be completed by October 2, 2007, the current deadline to file motions to exclude expert testimony and dispositive motions. For this reason, the parties request that the Court extend the deadline to file such motions to November 1, 2007.

Additionally, Plaintiff's counsel is currently scheduled for a 2-week trial in Oklahoma beginning on November 26, 2007. The parties therefore request that the Court extend the deadline to respond to *Daubert* and dispositive motions from November 19, 2007, to December 15, 2007.

In sum, the parties request that the Court extend the deadline to file all motions per Fed. R. Civ. P. 16(b)(2), including *Daubert* motions to exclude as well as dispositive motions, from October 2, 2007, to November 1, 2007, and that the Court extend the deadline to respond to such motions from November 19, 2007, to December 15, 2007.

Respectfully submitted,

By: /s/ Kathleen A. Frazier

GENE M. WILLIAMS
State Bar No. 21535300
S.D. ID. No. 1328
KATHLEEN A. FRAZIER
State Bar No. 24043663
S.D. ID. No. 38952
SHOOK, HARDY & BACON, L.L.P.
JPMorgan Chase Tower
600 Travis Street, Suite 1600
Houston, TX 77002-2911
Telephone: 713-227-8008
Telefax: 713-227-9508
ATTORNEYS FOR DEFENDANT,

By: /s/ Fred H. Shepherd III

ELI LILLY AND COMPANY

ANDY VICKERY
State Bar No. 20571800
FRED H. SHEPHERD III
State Bar No. 24033056
VICKERY & WALDNER, L.L.P.
One Riverway Drive, Suite 1150
Houston, Texas 77056-1920
Telephone: 713-526-1100
Telefax: 713-523-5939
ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

A copy of the foregoing was sent according to Federal Rules of Civil Procedure on September 14, 2007, to the following:

ANDY VICKERY
FRED H. SHEPHERD III
VICKERY & WALDNER, LLP
One Riverway Drive, Suite 1150
Houston, TX 77056

ATTORNEYS FOR PLAINTIFF

/s/ Kathleen A. Frazier
KATHLEEN A. FRAZIER